

Convention – Proposal

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**UNITED STATES OF AMERICA**

Amend Convention, Article 24, by revising paragraph (3) to read as follows:

- 3 Member countries and designated operators shall accept no liability for customs declarations in whatever form these are made or for decisions taken by the Customs on examination of items submitted to customs control.

3.1 Paragraph 3 shall not create an immunity for designated operators under national laws relating to customs control.

**Reasons.—** Paragraph 3 is arguably ambiguous. It may be interpreted to create an immunity for designated operators from national laws relating to customs control or it may serve only to limit the liability of designated operators to other designated operators and, possibly, to mailers. The proposed new paragraph rules out the former interpretation without modifying the possibility of the latter interpretation. The proposed new paragraph makes clear that Article 24(3) does not create an immunity for designated operators under national laws relating to customs control. In this manner, Article 24(3) will be fully consistent with Article 20(1), which provides “The designated operators of the countries of origin and destination shall be authorized to submit items to customs control, according to the legislation of those countries.”